



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

SDMS DocID 2096405

ORIGINAL

**INFORMATION REQUEST**

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

APR 19 2007

Eastman Kodak Company  
Jo Ann E. Gould, Esq., Chief Environmental and Regulatory Counsel  
343 State Street  
Rochester, NY 14650-0208

**Re: Required Submission of Information  
Chem Fab Corporation Site, Doylestown, Bucks County, Pennsylvania**

Dear Ms. Gould:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning a release, or the threat of release, of hazardous substances, pollutants or contaminants into the environment at the Chem Fab Corporation Site, located at 300 North Broad Street, Doylestown, Pennsylvania (hereinafter the "Site").

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9604(e), EPA has the authority to require the Eastman Kodak Company (hereinafter "you") to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14), pollutants and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. Section 9601(33).

On April 10, 2007, you responded to EPA's Information Request, dated February 28, 2007. The response was deemed inadequate in that it failed to respond to a number of questions posed in the Information Request. (A copy of the letter is enclosed.) The questions which were not answered in full are stated below.

**NOTICE OF POTENTIAL ENFORCEMENT ACTION**

EPA hereby advises you that your failure to respond fully and truthfully to each question, or to justify adequately your failure to respond, may subject you to an enforcement action by EPA, pursuant to Section 104(e)(5)(A) of CERCLA, 42 U.S.C. § 9604(e)(5)(A). This section of CERCLA authorizes EPA to issue an order directing compliance with an information request made under the statute "after such notice and opportunity for consultation as is reasonably appropriate under the circumstances." This letter constitutes such notice.

In addition, Section 104(e)(5)(B) of CERCLA, 42 U.S.C. § 9604(e)(5)(B), allows EPA to seek judicial enforcement of an information request and authorizes the federal district courts to assess a civil penalty not to exceed \$32,500 for each day of non-compliance. In recent decisions, courts have assessed significant penalties against parties which had not complied with EPA information requests.

You must fully respond to EPA's February 28, 2007 letter, or justify adequately your failure to respond, within **thirty (30)** calendar days from your receipt of this letter. This thirty day period, however, is not to be construed as an extension of the original deadline, and EPA may take enforcement action based upon your failure to respond to the initial Information Request letter in a timely and complete manner.

Instructions for responding to this required submission of information are provided below.

### INSTRUCTIONS

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure 1, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors & Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of a question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question(s) or subpart of the question(s) to which it responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure 2, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure 2. Those terms shall have the meaning set forth in Enclosure 2 any time such terms are used in this Information Request and/or its Enclosures.

### QUESTIONS

Your letter dated April 10, 2007, was not adequately responsive to **Questions "2", "4", "5", "8" and "15"** in EPA's February 28, 2007, Information Request. These questions have been reproduced below. Please provide the following information:

2. EPA has obtained information during the course of its investigation indicating that you may have produced waste, which was disposed of at the Site, and/or disposed of waste at the Site referenced in this letter. Please provide the following information regarding **all** wastes and by-products produced by you during the period 1965 to 1999:
  - a. The nature of each "waste" (as the term "waste" is defined in paragraph 6 of the definitions attached hereto) used including its chemical content, characteristics and physical state (i.e., liquid, solid, gas, or in the form of contaminated rags, cups, containers, scrap metal). Provide chemical analyses and Material Safety Data Sheets ("MSDS"). If these analyses are not available for the period 1965 through 1999, submit analyses for the time period closest to these dates and describe, in detail, any changes in the process(es) in which these wastes were produced that would affect the chemical analyses;
  - b. The annual quantity of each "waste" used or generated;
  - c. The process(es) in which each "waste" was used or the process(es) that generated each;
  - d. The types of containers used to treat, store or dispose of each "waste"; and
  - e. The method of treatment and/or disposal of each "waste."
4. Describe the methods used by you to dispose of and/or treat "waste" during the period 1965 to 1999.
5. If your response to Question 4 includes the contracting of a hauler or transporter to transport and/or dispose of wastes, explain the arrangements for those transactions and provide documentation that confirms the nature of those transactions.
8. In your Information Request response dated April 10, 2007, you indicated that "hundreds" of Kodak employees (both currently and formerly employed by Kodak) may be knowledgeable of Kodak's waste disposal practices. However, you provided EPA with the names of only two current Kodak employees who have knowledge of Kodak's waste practices. Please provide the names, titles and areas of responsibility of any persons, including all present and former employees, who may be knowledgeable of your waste disposal practices, whether or not involving disposal at the Site, during the period 1965 to 1999. Please include current addresses and dates of birth for former employees.
15. In your Information Request response dated April 10, 2007, you indicated that you have

reason to believe that retired employees may be able to provide more detailed or complete responses to questions contained in EPA's February 28, 2007 Information Request, or who may be able to provide additional responsive documents. Please provide the names, titles, birth dates, areas of responsibility, current addresses, and telephone numbers of all such persons and describe the additional information or documents they may have.

You must respond in writing to this required submission of information within **thirty (30) calendar days** of your receipt of this letter.

If, for any reason, you do not provide all information responsive to this letter, your answer to EPA must: (1) describe specifically what was not provided, and (2) provide EPA an appropriate reason why the information was not provided.

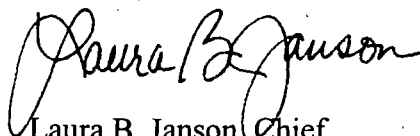
All documents and information should be sent to:

Ms. Joan Martin-Banks (3HS62)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

If you have any PRP Search questions concerning this matter, please contact Civil Investigator Joan Martin-Banks at (215) 814-3156. If you have any legal questions, please contact Assistant Regional Counsel Leigh Rendé of EPA's Office of Regional Counsel at (215) 814-2668.

Sincerely,



Laura B. Janson, Chief  
Cost Recovery Branch

Enclosure: February 28, 2007 Information Request

cc: Leigh Rendé, Esq. (3RC41)  
Kristine Matzko (3HS21)  
Craig Olewiler, PADEP



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

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**INFORMATION REQUEST**

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

FEB 28 2007

Eastman Kodak Company  
Antonio Perez, CEO  
343 State Street  
Rochester, NY 14650

**Re: Required Submission of Information  
Chem Fab Corporation Site, Doylestown, Bucks County, Pennsylvania**

Dear Mr. Perez:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning a release, or the threat of release, of hazardous substances, pollutants or contaminants into the environment at the Chem Fab Corporation Site, located at 300 North Broad Street, Doylestown, Pennsylvania, (hereinafter the "Site"). The company began in 1965 as a metal etching operation. It manufactured templates from which printed circuit boards were made. It also performed electroplating. Historical spills and leaks from underground storage tanks have been documented. In 1995, the EPA conducted a removal operation that addressed process chemicals and wastes after it was determined that there was a threat to human health and the environment. Contaminants of concern at the Site include as follows: volatile organic compounds, PCBs, pesticides/herbicides, semi-volatile organics, metals and polyaromatic hydrocarbons. Investigation of the Site and evaluating it for possible inclusion on the National Priorities List is continuing.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9604(e), EPA has the authority to require the Eastman Kodak Company (hereinafter "you") to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14), pollutants and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. Section 9601(33), which were transported to, stored, treated, or disposed of at the above-referenced Site (see Enclosure 4: Site Location Map).

CERCLA Section 104 authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001. The information that you provide may be used by EPA in administrative, civil, or criminal proceedings.

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- a. The nature of each "waste" (as the term "waste" is defined in paragraph 6 of the definitions attached hereto) used including its chemical content, characteristics and physical state (i.e., liquid, solid, gas, or in the form of contaminated rags, cups, containers, scrap metal). Provide chemical analyses and Material Safety Data Sheets ("MSDS"). If these analyses are not available for the period 1965 through 1999, submit analyses for the time period closest to these dates and describe, in detail, any changes in the process (es) in which these wastes were produced that would affect the chemical analyses;
  - b. The annual quantity of each "waste" used or generated;
  - c. The process (es) in which each "waste" was used or the process (es) that generated each;
  - d. The types of containers used to treat, store or dispose of each "waste"; and
  - e. The method of treatment and/or disposal of each "waste."
3. Provide the names, titles, areas of responsibility, addresses and telephone numbers of all persons, including your own, who during the period 1965 to 1999, may have:
    - a. Disposed of or treated "waste" at the Site;
    - b. Arranged for the disposal or treatment of "waste" at the Site; or
    - c. Arranged for the transportation of "waste" to the Site (either directly or through transshipment points) for disposal or treatment.
  4. Describe the methods used by you to dispose of and/or treat "waste" during the period 1965 to 1999.
  5. If your response to Question 4 includes the contracting of a hauler or transporter to transport and/or dispose of wastes, explain the arrangements for those transactions and provide documentation that confirms the nature of those transactions.
  6. Did you make arrangements with any of the following companies or individuals to transport and/or dispose of wastes? Manfred De Rewal, Echo Corporation, Revere Chemical Company, Revere Chemical Transport, De Rewal Chemical Company, Inc., Boarhead Corporation, East Falls Corporation, Advanced Environmental Technology Corporation ("AETC"), the Envirotech Company, Environmental Chemical Control, Inc., Jonas Waste Removal, Marvin Jonas, Inc., Marvin Jonas, Simon Wrecking, Simon Resources Inc., Sam Simon, Chem Fab Corporation, Hans Richard Becker, Gulbrandsen Co., Chemical Leaman Tank Lines Inc., Coastal Tank Lines Inc., Macs Associates, and Matlack Transportation Co.

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9. Describe any permits or applications and any correspondence between you and any regulatory agencies regarding "wastes" transported to or disposed of at the Site.
10. Provide copies of any correspondence between you and any third party regarding "wastes" transported to or disposed of at the Site.
11. Provide the identity of, and copies of any documents relating to, any other person who generated, treated, stored, transported or disposed, or who arranged for the treatment, storage, disposal or transportation of such "wastes" to the Site.
12. Provide the identities of all predecessors in interest who, during the period 1965 to 1999, transported, stored, treated or otherwise disposed of any "wastes" at the Site and describe in detail the nature of your predecessor in interest's business. Describe all changes in ownership from 1965 to the present, including the date of the ownership change and identify the type of change (i.e., asset purchase, corporate merger, consolidation, and name change). Provide a copy of each asset purchase and merger agreement.
13. Provide the name, title, address, and telephone number of the person answering these questions on behalf of the respondent.
14. For each question, provide the name, title, area of responsibility, current address and telephone number of all persons consulted in the preparation of the answers.
15. If you have reason to believe that there may be persons able to provide more detailed or complete responses to any question contained herein or who may be able to provide additional responsive documents, provide the names, titles, areas of responsibility, current addresses, and telephone numbers of such persons and describe the additional information or documents they may have.
16. For each and every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then provide the names, titles, areas of responsibility, current addresses and telephone numbers of the persons from whom such information or documents may be obtained.
17. If you have any information about other parties who may have information which may assist the Agency in its investigation of the Site or who may be responsible for the generation of, transportation to or release of contamination at the Site, please provide such information. The information you provide in response to this request should include each party's name, address, type of business and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.

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Enclosure 1

**Business Confidentiality Claims**

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Section 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

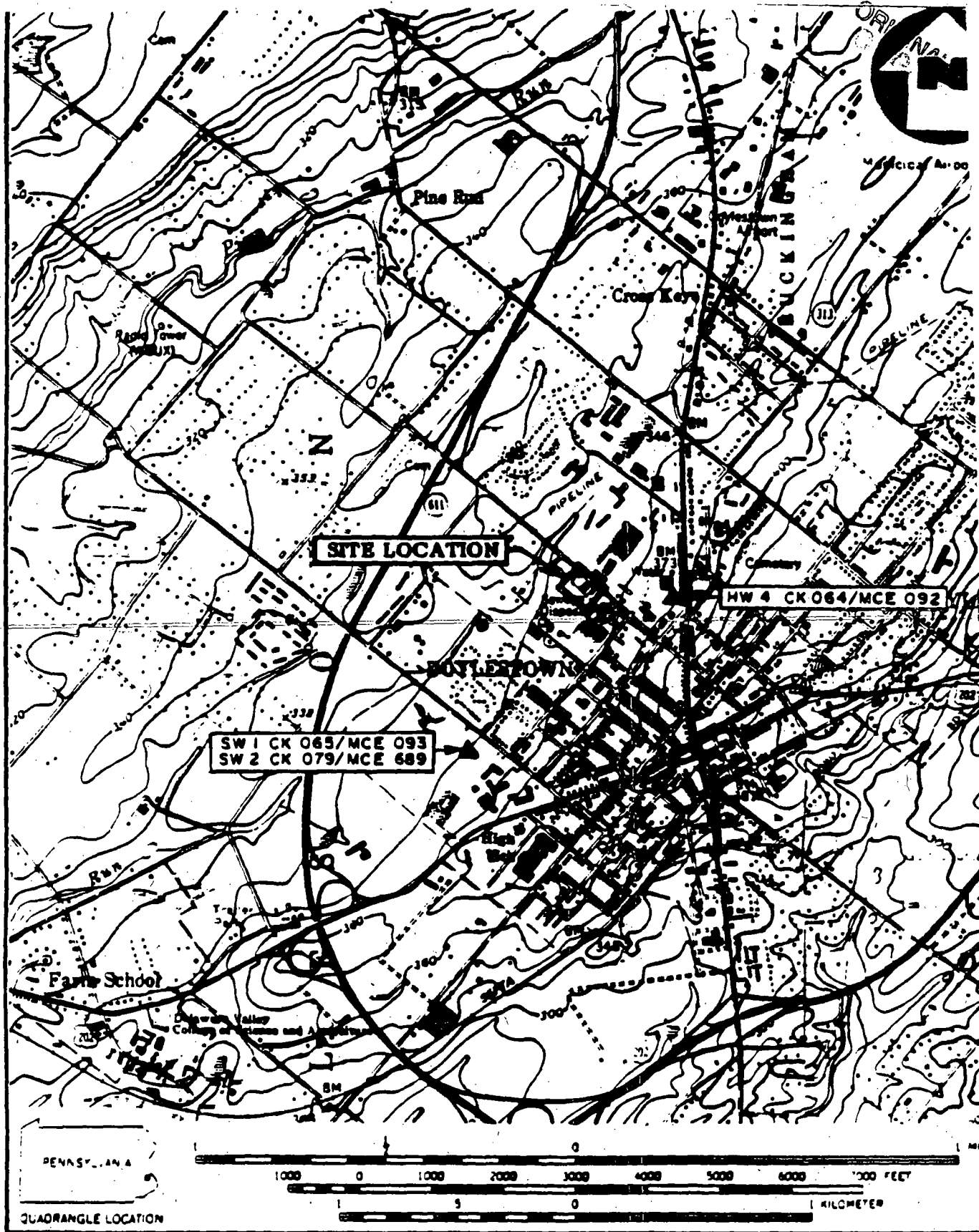
**Disclosure Of Your Response to EPA Contractors and Grantees**

EPA may contract with one or more independent contracting firms (See Enclosure 3) to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employment Program (SEE Enrollees). The SEE program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to CERCLA, 42 U.S.C. Section 9604(e)(7) and EPA's regulations at 40 C.F.R. Section 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure 3, you must notify EPA in writing at the time you submit such documents.



abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

5. The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), ~~or, for the purposes of section 9604 of CERCLA or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of the Uranium Mill Tailings Radiation Control Act of 1978, 42 U.S.C. 7912 (a)(1) or 7942 (9), and (d) the normal application of fertilizer.~~
6. The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
7. The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, holding companies.



SOURCE: (7.5 MINUTE SERIES) U.S.G.S. DOYLESTOWN & BUCKINGHAM, PA QUADS.

OFF-SITE SAMPLE LOCATIONS  
CHEM-FAB, DOYLESTOWN, PA  
 SCALE 1: 24000

FIGURE 5.2



U.S. Postal Service	
<b>CERTIFIED MAIL RECEIPT</b>	
(Domestic Mail Only; No Insurance Coverage Provided)	
<b>OFFICIAL USE</b>	
Postage \$	
(E)	Jo Ann E. Gould, Esquire
(E)	Chief Env. & Regulatory Counsel
	Eastman Kodak Company
	343 State Street
	Rochester, NY 14650-0208
S	
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	
PS Form 3800, May 2000	
See Reverse for Instructions	

### Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

### Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- Certified Mail is *not* available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.**

PS Form 3800, May 2000 (Reverse)

102595-99-M-2087